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EXAMINER
KALINOWSKI, ALEXANDER G

ART UNIT	PAPER NUMBER
3626	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

	Application No.	Applicant(s)		
Office Action Summary	09/010,919	Ordish et al		
	Examiner		Art Unit	
	Alexander Kalinowski		3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ___3___ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Oct 18, 2002* _____ .

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *43-95, 97-101, 103, 104, 106-108, and 110-119* _____ is/are pending in the application.

    4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *43-95, 97-101, 103, 104, 106-108, and 110-119* _____ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some* c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    *See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

4) ☐ Interview Summary (PTO-413) Paper No(s). _____

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____

Recent Statutory Changes to 35 U.S.C. § 102(e)

On November 2, 2002, President Bush signed the 21st Century Department of Justice Appropriations Authorization Act (H.R. 2215) (Pub. L. 107-273, 116 Stat. 1758 (2002)), which further amended 35 U.S.C. § 102(e), as revised by the American Inventors Protection Act of 1999 (AIPA) (Pub. L. 106-113, 113 Stat. 1501 (1999)). The revised provisions in 35 U.S.C. § 102(e) are completely retroactive and effective immediately for all applications being examined or patents being reexamined. Until all of the Office's automated systems are updated to reflect the revised statute, citation to the revised statute in Office actions is provided by this attachment. This attachment also substitutes for any citation of the text of 35 U.S.C. § 102(e), if made, in the attached Office action.

The following is a quotation of the appropriate paragraph of 35 U.S.C. § 102 in view of the AIPA and H.R. 2215 that forms the basis for the rejections under this section made in the attached Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

35 U.S.C. § 102(e), as revised by the AIPA and H.R. 2215, applies to all qualifying references, except when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. For such patents, the prior art date is determined under 35 U.S.C. § 102(e) as it existed prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. § 102(e)).

The following is a quotation of the appropriate paragraph of 35 U.S.C. § 102 prior to the amendment by the AIPA that forms the basis for the rejections under this section made in the attached Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

For more information on revised 35 U.S.C. § 102(e) visit the USPTO website at www.uspto.gov or call the Office of Patent Legal Administration at (703) 305-1622.

DETAILED ACTION

1.   Claims 43-95, 97-101, 103, 104, 106-108, and 110-119 are presented for examination.

Applicant filed a request for a continuing prosecution application. Applicant further filed a

preliminary amendment on 7/13/2001 canceling claims 96, 102, 105, and 109 and amending

claims 43, 54, 59, 62, 63, 67, 68, 79, 84, 87, 88, 92, 93, 100, 103, 104, 106, 108, 110, 112, 113,

and 117. Applicant further filed an amendment on 4/15/2002 amending claims 43, 50, 54, 56, 59,

61-64, 67-68, 75, 79, 81, 84, 86-89, 92, 93, 97, 103, 104, 108, 110, 112-114, and 117 and adding

new claims 118-120. Applicant further filed an amendment on 10/30/2002, canceling claim 120

and amending claims 43, 44, 56, 57, 59, 62, 62-69, 82, 84, 87, 92, 93, 103, 107, 110, 112, and

117.

Response to Arguments

2.   Applicant's arguments with respect to claims 43-95, 97-101, 103, 104, 106-108, and 110-

119 have been considered but are moot in view of the new ground(s) of rejection.

3.   With respect to Applicant's arguments to the Hartheimer reference, Applicant argues that

there is not motivation to combine the Hartheimer reference with the Silverman reference. The

Examiner disagrees. The Examiner cited motivation directly from the Hartheimer reference for

combining the teachings of Hartheimer with the Silverman reference. Therefore, there is

motivation to combine the reference and Applicant's arguments are nonpersuasive.

4.   Applicant further argues that the Hartheimer reference cannot be combined with the

Silverman reference. The Examiner disagrees. The Examiner used the Hartheimer reference to

disclose the teaching of confirmation timers to ensure that messages between terminals (i.e.

workstations and networks) are received. This specific teaching was used in combination with the

Silverman reference. Therefore, the combination is proper and Applicant's arguments are deemed

nonpersuasive.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

6.   Claims 43-95, 97-101, 103, 104, 106-108, and 110-117 are rejected under 35

U.S.C. 103(a) as being unpatentable over Silverman et al., EP0399850 A2 (hereinafter Silverman)

in view of Hartheimer et al., Pat. No. 5,305,200 (hereinafter Hartheimer) and "DEALING-2000-2

DELAYS, MARKET WORRIES HIT REUTERS SHARES"(hereinafter Reuters).

With respect to claim 43, Silverman discloses a system for exchanging signals relating to

at least a bid and an offer (see abstract), the system comprising:

a network (unit 22) connected to workstations, units (26a) and (26b) (Fig. 1) ;

a first workstation (unit 24a) of said workstations, said first workstation sending a first signal to

said network signaling a bid in response to an initial offer (i.e. trader decides to enter a bid or

enter an offer in an effort to complete matching a transaction. Key station 24a submits bid

transaction to central system 20)(see Fig. 6 and col. 18, lines 35-50); and

a second workstation of said workstations, said second workstation receiving a second signal

indicative of said bid from said network (Directed Msg. B) and sending an acknowledgment of

said received bid to said network (Directed Msg.-Ack B)(i.e. directed

message sent to the counterparty workstations and associated directed message acknowledgment)

and (see Fig 6 and col. 19, lines 26-32 and lines 48-52)

said network sending at least a third signal to said first workstation and at least a fourth signal to

said second workstation, said at least third and said at least fourth signals indicating

acknowledgment of said acknowledgment from said second workstation (i.e. the system generates

directed messages to the counterparties, the associated directed message acknowledgments and

the IXM update broadcast message 132 to all keystations 24 including 24a and 24b)(col. 19, lines

26-32 and col. 20, lines 3-11).

Silverman does not explicitly disclose

wherein at least one of said network, said first workstation and said second workstation

determines when one of said acknowledgments has not been received during an interval.

However, Hartheimer discloses wherein at least one of said network, said first workstation and

said second workstation determines when one of said acknowledgments has not been received

during an interval (i.e. requester's workstation does not receive ... message from quoter's workstation within a predetermined time ...)(Fig. 6 and col. 7, lines 29-37). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein at least one of said network, said first workstation and said second workstation determines when one of said acknowledgments has not been received during an interval as disclosed by Hartheimer within the Silverman system for the motivation of guaranteeing delivery of digital messages in a network particularly in trading systems (col. 6, lines 41-61).

Silverman does not explicitly disclose

said second workstation having a confirmation timer for measuring the time elapsed from reception of said second signal until said second workstation receives a specific fourth signal. However, Hartheimer discloses said second workstation having a confirmation timer for measuring the time elapsed from reception of said second signal until said second workstation receives a specific fourth signal (i.e. requester's workstation does not receive ... message from quoter's workstation within a predetermined time ...)(Fig. 6 and col. 7, lines 29-37). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include said second workstation having a confirmation timer for measuring the time elapsed from reception of said second signal until said second workstation receives a specific fourth signal as disclosed by Hartheimer within the Silverman system for the motivation of guaranteeing delivery of digital messages in a network particularly in trading systems (col. 6, lines 41-61).

Silverman and Hartheimer do not explicitly disclose

said second workstation having a confirmation timer for measuring a time elapsed from

reception of said second signal or from sending said acknowledgment until said second

workstation receives a confirmed trade signal.

However, Reuters discloses said second workstation having a confirmation timer for

measuring a time elapsed from reception of said second signal or from sending said

acknowledgment until said second workstation receives a confirmed trade signal (page 3, lines 12-

27). It would have been obvious to one of ordinary skill in the art at the time of Applicant's

invention to include said second workstation having a confirmation timer for measuring a time

elapsed from reception of said second signal or from sending said acknowledgment until said

second workstation receives a confirmed trade signal as disclosed by Reuters within the Silverman

and Hartheimer combination for the motivation of automating the counterparty quotation

matching system reduces liabilities for broken trades (page 3, lines 28-29).

With respect to claim 44, Silverman discloses the system according to claim 44, wherein

said at least third signal includes a confirmed trade signal (i.e. broadcast message to all

workstations 24)(col. 19, lines 26-32 and col. 20, lines 3-11).

With respect to claim 45, Silverman discloses the system according to claim 43, further

comprising at least one storage node for recording the completion of a purchase relating to said

bid (i.e order database 114 and 116)(col. 16, lines 25-39).

With respect to claim 46, Silverman discloses the system according to claim 43. Silverman does not explicitly disclose wherein prior to the transmission of said first signal by said first workstation, said second workstation transmits said initial offer to said network.

However, Silverman does disclose a user of a first workstation decides to enter a bid or enter an offer in an effort to complete matching a transaction (col. 6, lines 61-63). Since the system matches the bid or offer of the user of the first workstation with the initial bid or offer of the second workstation, the user of the first workstation could have entered a bid or offer in response to the initial bid or offer of the user of the second workstation. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein prior to the transmission of said first signal by said first workstation, said second workstation transmits said initial offer to said network within the Silverman system since the first workstation submits a bid or response in an effort to complete a matching transaction (col. 8, lines 15-18).

With respect to claim 47, Silverman does not explicitly disclose the system according to claim 46, said network generating and transmitting an acknowledgment of said initial bid to said second workstation.

However, Silverman does disclose the network generating and transmitting an acknowledgment of the first workstation sending a first signal to said network signaling a bid in response to an initial offer (see Fig. 6, CMD-ACK 122). The purpose of the acknowledgment signal is for the network to acknowledge receipt of a transaction signal from the first workstation (col. 8, lines 42-45). Although Silverman does not explicitly disclose a command acknowledgment

of the initial transactional signal from the second workstation, it would have been obvious to one

of ordinary skill int the art at the time of Applicant's invention to include the system according to

claim 46, said network generating and transmitting an acknowledgment of said initial bid to said

second workstation within Silverman in order to acknowledge receipt of a transactional message

from the second workstation (col. 10, lines 27-31).

With respect to claim 48, Silverman discloses the system according to claim 43, said

network generating and transmitting an acknowledgment of the receipt of the first signal (i.e.

CMD-Ack 122)(Fig. 6).

With respect to claim 49, Silverman discloses the system according to claim 48, wherein

said acknowledgment of the receipt of said first signal and said second signal indicative of said bid

are match notification signals (directed Msg. A 124 and Directed Msg. B 128) generated by at

least one computer unit 20 in said network (see Fig. 6).

With respect to claim 50, Silverman does not explicitly disclose the system according to

claim 43, wherein said second workstation further comprises:

a storage unit for storing an indication that a purchase relating to said bid was not completed

upon the elapsed time measured by said confirmation timer exceeding a predetermined

confirmation timeout period.

However, Hartheimer discloses a storage unit for storing an indication that a purchase

relating to said bid was not completed upon the elapsed time measured by said confirmation timer

exceeding a predetermined confirmation timeout period (i.e. electronic transaction log)(col. 3,

lines 42-50 and col. 7, lines 12-65). It would have been obvious to one of ordinary skill in the art

at the time of Applicant's invention to include a storage unit for storing an indication that a

purchase relating to said bid was not completed upon the elapsed time measured by said

confirmation timer exceeding a predetermined confirmation timeout period as disclosed by

Hartheimer within the Silverman system for the motivation of guaranteeing delivery of digital

messages in a network particularly in trading systems (col. 6, lines 41-61).

     With respect to claim 51, Silverman does not explicitly disclose

a display for displaying a late confirmation was received upon said second workstation receiving

said fourth signal after said predetermined confirmation timeout period has expired for

said purchase.

     However, Hartheimer discloses a display for displaying a late confirmation was received

upon said second workstation receiving said fourth signal after said predetermined confirmation

timeout period has expired for said purchase (i.e. electronic transaction log which can be

printed)((col. 3, lines 42-50 and col. 7, lines 12-65). It would have been obvious to one of

ordinary skill in the art at the time of Applicant's invention to include a display for displaying a

late confirmation was received upon said second workstation receiving said fourth signal after

said predetermined confirmation timeout period has expired for said purchase as disclosed by

Hartheimer within the Silverman system for the motivation of guaranteeing delivery of digital

messages in a network particularly in trading systems (col. 6, lines 41-61).

With respect to claim 52, Silverman discloses the system according to claim 43, wherein

said network further comprises:

a computer for matching bids and offers from said workstations in accordance with

predetermined matching criteria (i.e. the central system 20 validates the transaction request and

attempts to find matches between this new entry and other bids and offers posted in the system

book subject to counterparty credit limits)(col. 8, lines 29-37).

With respect to claim 53, Silverman does not explicitly disclose

an acknowledgment timer for measuring the time elapsed from reception of said first signal by

said network from said first workstation until reception of said acknowledgment by said network

from said second workstation; and

a storage unit for storing an indication that a purchase was not acknowledged upon the elapsed

time measured by said acknowledgment timer exceeding a predetermined acknowledgment

timeout period.

However, Hartheimer discloses an acknowledgment timer for measuring the time elapsed

from reception of said first signal by said network from said first workstation until reception of

said acknowledgment by said network from said second workstation (i.e. requester's workstation

does not receive ... message from quoter's workstation within a predetermined time ...)(Fig. 6 and

col. 7, lines 29-37). Hartheimer further discloses a storage unit for storing an indication that a

purchase was not acknowledged upon the elapsed time measured by said acknowledgment timer

exceeding a predetermined acknowledgment timeout period (i.e. electronic transaction log)(col. 3,

lines 42-50 and col. 7, lines 12-65) . It would have been obvious to one of ordinary skill in the art

at the time of Applicant's invention to include an acknowledgment timer for measuring the time

elapsed from reception of said first signal by said network from said first workstation until

reception of said acknowledgment by said network from said second workstation; and a storage

unit for storing an indication that a purchase was not acknowledged upon the elapsed time

measured by said acknowledgment timer exceeding a predetermined acknowledgment timeout

period as disclosed by Hartheimer within the Silverman system for the motivation of guaranteeing

delivery of digital messages in a network particularly in trading systems (col. 6, lines 41-61).

With respect to claim 54, Silverman discloses a method for acknowledging the receipt

signals relating to bids and offers in an electronic trading system, said electronic trading system

including a network and at least first and second workstations coupled to a network (see abstract

and Fig. 6), the method comprising the steps of:

sending an offer from the first workstation to the network in response to an initial bid (i.e.

trader decides to enter a bid or enter an offer in an effort to complete matching a transaction. Key

station 24a submits bid transaction to central system 20)(see Fig. 6 and col. 18, lines 35-50);

receiving the offer from said network at the second workstation (i.e. directed Msg. B 128)(Fig.

6);

sending from the second workstation to said network an acknowledgment of the receipt of

the offer (i.e. Directed Msg.-Ack B)(Fig. 6); and

sending from the network to the first and second workstations an indication that the

network acknowledges the acknowledgment from said second workstation (i.e. Broadcast Msg.

132)(Fig. 6).

Silverman does not explicitly disclose

determining when said indication that the network acknowledges the acknowledgment form said

second workstation has not been received during an interval.

However, Hartheimer discloses determining when at least one of said acknowledgments

has not been received during an interval (i.e. requester's workstation does not receive ... message

from quoter's workstation within a predetermined time ...)(Fig. 6 and col. 7, lines 29-37). It

would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to

include determining when said indication that the network acknowledges the acknowledgment

form said second workstation has not been received during an interval as disclosed by Hartheimer

within the Silverman system for the motivation of guaranteeing delivery of digital messages in a

network particularly in trading systems (col. 6, lines 41-61).

With respect to claim 55, Silverman does not explicitly disclose the method according to

claim 54, further comprising the steps of:

sending the initial bid from the second workstation to the network.

However, Silverman does disclose a user of a first workstation decides to enter a bid or enter an

offer in an effort to complete matching a transaction (col. 8, lines 15-18). Since the system

matches the bid or offer of the user of the first workstation with the initial bid or offer of the

second workstation, the user of the first workstation could have entered a bid or offer in response

to the initial bid or offer of the user of the second workstation. It would have been obvious to one

of ordinary skill in the art at the time of Applicant's invention to include sending the initial bid

from the second workstation to the network within the Silverman system since the

first workstation submits a bid or response in an effort to complete a matching transaction (col. 8,

lines 15-18).

Silverman does not explicitly disclose

receiving an acknowledgment of the initial bid from the network at the second workstation.

However, Silverman does disclose the network generating and transmitting an

acknowledgment of the first workstation sending a first signal to said network signaling a bid in

response to an initial offer (see Fig. 6, CMD-ACK 122).The purpose of the acknowledgment

signal is for the network to acknowledge receipt of a transaction signal from the first workstation

(col. 10, lines 27-31). Although Silverman does not explicitly disclose a command

acknowledgment of the initial transactional signal from the second workstation, it would have

been obvious to one of ordinary skill int the art at the time of Applicant's invention to include the

system according to claim 46, said network generating and transmitting an acknowledgment of

said initial bid to said second workstation within Silverman in order to acknowledge receipt of a

transactional message from the second workstation (col. 10, lines 27-31).

With respect to claim 59, Silverman discloses a computer-readable medium having

computer-executable instructions for performing steps (see abstract, Fig. 1 and Fig. 6)

comprising:

receiving at a networked processor an offer from a first workstation in response to an initial bid

(i.e. trader decides to enter a bid or enter an offer in an effort to complete matching a transaction.

Key station 24a submits bid transaction to central system 20)(see Fig. 6 and col. 18, lines 35-50);

sending the offer from the networked processor to a second workstation (i.e. directed Msg. B

128)(Fig. 6); and

sending from the networked processor to the first and second workstations an indication that the

networked processor received the acknowledgment of the transaction (i.e. Broadcast Msg.

132)(Fig. 6).

Silverman does not explicitly disclose

receiving an alarm from one of said workstations notifying said networked processor that said

indication that the networked processor received the acknowledgment was not received by one of

the workstations during an interval.

However, Hartheimer discloses receiving an alarm from one of said workstations notifying said

networked processor that said indication that the networked processor received the

acknowledgment was not received by one of the workstations during an interval ((i.e. requester's

workstation does not receive ... message from quoter's workstation within a predetermined time

...)(Fig. 6 and col. 7, lines 29-37). It would have been obvious to one of ordinary skill in the art at

the time of Applicant's invention to include receiving an alarm from one of said workstations

notifying said networked processor that said indication that the networked processor received the

acknowledgment was not received by one of the workstations during an interval as disclosed by

Hartheimer within the Silverman system for the motivation of guaranteeing delivery of digital

messages in a network particularly in trading systems (col. 6, lines 41-61).

Silverman and Hartheimer does not explicitly disclose

receiving at the networked processor from the second workstation an acknowledgment of a

transaction based on the offer from the second workstation at the networked processor

With respect to claim 60, Silverman does not explicitly disclose the computer-readable medium of

claim 59 having further computer-executable instructions for performing the following steps:

receiving at the networked processor the initial bid from the second workstation. However,

Silverman does disclose a user of a first workstation decides to enter a bid or enter an offer in an

effort to complete matching a transaction (col. 8, lines 15-18). Since the system matches the bid

or offer of the user of the first workstation with the initial bid or offer of the second workstation,

the user of the first workstation could have entered a bid or offer in response to the initial bid or

offer of the user of the second workstation. It would have been obvious to one of ordinary skill in

the art at the time of Applicant's invention to include receiving at the networked processor the

initial bid from the second workstation within the Silverman system since the first workstation

submits a bid or response in an effort to complete a matching transaction (col. 8, lines 15-18).

Silverman does not explicitly disclose

sending an acknowledgment of the initial bid from the networked processor to the second workstation.

However, Silverman does disclose the network generating and transmitting an acknowledgment of the first workstation sending a first signal to said network signaling a bid in response to an initial offer (see Fig. 6, CMD-ACK 122).The purpose of the acknowledgment signal is for the network to acknowledge receipt of a transaction signal from the first workstation (col. 10, lines 27-31). Although Silverman does not explicitly disclose a command acknowledgment of the initial transactional signal from the second workstation, it would have been obvious to one of ordinary skill int the art at the time of Applicant's invention to include the system according to claim 46, said network generating and transmitting an acknowledgment of said initial bid to said second workstation within Silverman in order to acknowledge receipt of a transactional message from the second workstation (col. 10, lines 27-31).

With respect to claim 62, Silverman discloses a first workstation participating in the exchange of signals, the signals including at least a bid and an offer, the first workstation connected to a network, said network connected to at least a second workstation (see abstract and Fig. 1), said first workstation comprising:

a receiver unit 24a for receiving an initial offer (i.e. trader can decide whether to enter a bid or enter an offer in an effort to complete matching a transaction) (see Fig. 6 and col. 8, lines 15-25);

a processor unit 20 for processing said initial offer (col. 8, lines 29-37);

an output for outputting a first signal to said network, said first signal signaling a bid in response

to said initial offer (i.e. trader decides to enter a bid or enter an offer in an effort to complete

matching a transaction. Key station 24a submits bid transaction to central system 20)(see Fig. 6

and col. 18, lines 35-50);

said receiver also receiving a second signal wherein said second signal indicates the

acknowledgment of a receipt of said first signal by said second workstation (i.e. Broadcast Msg

132)(Fig. 6).

Silverman does not explicitly disclose

a confirmation timer for measuring time elapsed from said workstation receiving a match

notification signal or sending a match acknowledgement signal until said workstation receives a

corresponding different trade confirmation signal. and an unconfirmed trade signal when said

acknowledgment was not received during an interval. However, Hartheimer discloses a

confirmation timer for measuring time elapsed from said workstation receiving or sending one of

specific signals until said workstation receives a corresponding different one of specific signals

and a third signal when said acknowledgment was not received during an interval (i.e. requester's

workstation does not receive ... message from quoter's workstation within a predetermined time

...)(Fig. 6 and col. 7, lines 29-37). It would have been obvious to one of ordinary skill in the art at

the time of Applicant's invention to include a confirmation timer for measuring time elapsed from

said workstation receiving or sending one of specific signals until said workstation receives a

corresponding different one of specific signals and a third signal when said acknowledgment was

not received during an interval as disclosed by Hartheimer within the Silverman system for the motivation of guaranteeing delivery of digital messages in a network particularly in trading systems (col. 6, lines 41-61). Furthermore, Reuters discloses a confirmation timer for measuring time elapsed from said workstation receiving a match notification signal or sending a match acknowledgement signal until said workstation receives a corresponding different trade confirmation signal. and an unconfirmed trade signal when said acknowledgment was not received during an interval (page 3, lines 12-27). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include a confirmation timer for measuring time elapsed from said workstation receiving a match notification signal or sending a match acknowledgement signal until said workstation receives a corresponding different trade confirmation signal. and an unconfirmed trade signal when said acknowledgment was not received during an interval as disclosed by Reuters within the Silverman and Hartheimer combination for the motivation of automating the counterparty quotation mathching system reduces liabilities for broken trades (page 3, lines 28-29).

With respect to claim 63, Silverman discloses a computer-readable medium having computer-executable instructions for performing steps associated with a purchase comprising a bid and an offer (see abstract and Fig. 1) comprising:

transmitting to a network an offer from a first workstation in response to a received initial bid (i.e. trader can decide whether to enter a bid or enter an offer in an effort to complete matching a transaction) (see Fig. 6 and col. 8, lines 15-25);

receiving a first acknowledgment from said network indicating receipt of said offer (i.e. Directed

Msg.-Ack B)(Fig. 6);

receiving said second acknowledgment from said network indicating that a second workstation

originating said initial bid has acknowledged said transmitted offer (i.e. Broadcast Msg 132)(Fig.

6).

Silverman does not explicitly disclose

measuring the time elapsed from reception of said first acknowledgment to reception of a second

acknowledgment and

receiving an alert from said network when said second acknowledgment has not been received

during an interval.

However, Hartheimer discloses measuring the time elapsed from reception of said first

acknowledgment to reception of a second acknowledgment and receiving an alert from said

network when said second acknowledgment has not been received during an interval (i.e.

requester's workstation does not receive ... message from quoter's workstation within a

predetermined time ...)(Fig. 6 and col. 7, lines 29-37). It would have been obvious to one of

ordinary skill in the art at the time of Applicant's invention to include measuring the time elapsed

from reception of said first acknowledgment to reception of a second acknowledgment and

receiving an alert from said network when said second acknowledgment has not been received

during an interval as disclosed by Hartheimer within the Silverman system for the motivation of

guaranteeing delivery of digital messages in a network particularly in trading systems (col. 6, lines 41-61).

With respect to claim 64, Silverman discloses the computer readable medium according to claim 63, having further computer readable instructions comprising the step of

processing said second acknowledgment as an acceptance of said transmitted offer (i.e. broadcast Msg 132)(Fig. 6).

With respect to claim 65, Silverman discloses the system according to claim 43, wherein said third signal and said fourth signal indicate that a transaction relating to said bid is complete (i.e. Broadcast Msg. 132)(Fig. 6).

With respect to claim 66, Silverman discloses the method according to claim 54, wherein the indication that the network acknowledges the acknowledgment from said second workstation signifies the completion of a transaction relating to said bid (i.e. Broadcast Msg. 132)(Fig. 6).

Claims 67, 68, 79, 84, 87, 88, 92, 93, 104, 112, 113, 117, and 120 are similar in scope to claims 43, 54, 59, 62, 63, and 67 and are rejected on the same basis.

Claims 69, 70, 73, 74, 77, 89, 90, 91, 94, 95, 98, 99, and 114-116 recite the substantially the same limitations as claims 44, 45, 48, 49, 52, 64-66 and the claims are rejected on the same basis.

Claims 71, 72, 80, 85, 97, recite substantially the same limitations as claims 46, 47, 55 and are rejected on the same basis.

Claims 56, 75, 81, 100, and 106, recite substantially the same limitations as claim 50 and are rejected on the same basis.

Claims 57, 76, 82, and 107 recite substantially the same limitations as claim 51 and are rejected on the same basis.

Claims 58, 61, 78, 83, 103, 108, 111, 118 and 119 recite substantially the same limitations as claim 53 and are rejected on the same basis.

Conclusion

7.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

8.   Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Alexander Kalinowski, whose telephone number is (703) 305-2398. The

examiner can normally be reached on Monday to Thursday from 6:30 AM to 4:00 PM. In

addition, the examiner can be reached on alternate Fridays.

     If any attempt to reached the examiner by telephone is unsuccessful, the examiner's

supervisor, Joseph Thomas, can be reached on (703) 305-9588. The fax telephone number for this

group is (703) 305-7687 (for official communications including After Final communications

labeled "Box AF").

     Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive,

Arlington, VA, 7th Floor, receptionist.

Alexander Kalinowski

Patent Examiner

Art Unit 3626

January 13, 2003